



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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### MINUTES LEGISLATIVE COMMITTEE

**Date:** June 14, 2002  
**Location:** Spokane Public Library

**Legislative Committee Members Present:** Chris Endresen, Chair; Dave Baker, Vice Chair; John Fulginiti; Bill Misocky; Stan Price; Dave Saunders

**Legislative Committee Members Absent:** Sue Alden, Jim Lewis, Rick Ford

**Other Council Members Present:** Rory Calhoun, Steve Mullet, Steve Nuttall

**Visitors Present:** Bob Eugene, Larry Andrews, John Hogan, Terri Hotvedt, Ed Fields, Ray Dahl, Wayne Marquess, Bill Wright, John McDonald, Kraig Stevenson, Dwight Perkins, Dan Sexton, Brian Minnich, Larry Stevens, Mike DeWeming, Tena Risley, Rich Leonhardt, Rick Breeze

**Staff Present:** Tim Nogler, Al Rhoades, Krista Braaksma, Patti Thorn

### CALL TO ORDER

The meeting was called to order at 1:25 p.m. by Chris Endresen, Legislative Committee Chair. Chris welcomed everyone to today's meeting and issued a special welcome to Steve Mullet, one of two newly appointed Council members. Introductions were made.

### REVIEW AND APPROVE AGENDA

The agenda was reviewed and approved as written.

### REVIEW AND APPROVE MINUTES

The minutes of the March 8 and March 21 meetings were reviewed and approved as written.

## **PROPOSED REQUEST LEGISLATION**

### **Adoption by Reference of the State Building Code**

Tim referred to a memorandum recapping the 2002 legislative session. He said HB 1555 would have amended legislation to adopt by reference the state building code. The bill includes the building, mechanical, fire and plumbing codes. The bill report of HB 1555 located in the Legislative Issues packet lists organizations supporting and opposing the bill. Tim also referred to a letter to Governor Locke stating Council support and requesting Governor support of HB 1555. Tim and Chris have reviewed the letter and suggest editorial amendments. In addition the agency's former legislative liaison, Scott Merriman, has suggested more directly requesting active gubernatorial support of the bill. Tim specified that the letter indicates Council support of HB 1555 as amended during the 2002 session.

Tim noted the Governor's Office asks that Governor-request legislation be submitted early this year. Thus the proposed letter to the Governor is before the Council today.

As background for new members, Tim provided history. In 1974 when the Council was established by the Legislature, it had no rulemaking authority. That authority was granted in 1985 to update new editions of the codes as they were published. In addition Council policies and procedures, in WAC 51-04, authorize the Council's entry into rulemaking to update the building code within 60 days of the receipt of new editions of the Uniform codes. In 1989 there was a national consolidation effort of the various model code organizations to streamline the process for the construction industry. Beginning in 1995 and continuing through today, there are basically two sets of codes, by the International Code Council (ICC) and by the National Fire Protection Association (NFPA) in partnership with the International Association of Plumbing and Mechanical Officials (IAPMO).

In 1996 the Council appointed technical advisory groups (TAGs) and gave them the specific task of comparing codes. The first bill proposed by the Council was introduced into the Legislature in 1997. Originally the Council requested the elimination of specific code reference in legislation. Following extensive comparison reports TAGs determined in 1998 that all codes provide an adequate minimum level of protection for consumers. As a result legislation was introduced that session adding generic code reference. Finally an Ad Hoc Committee on Code Adoption was established last year. That committee recommended legislation adopting specific codes, resulting in HB 1555. That bill passed both the House and the Senate last session but failed to obtain House concurrence of Senate amendments.

#### **Motion #1:**

**Dave Baker moved the Legislative Committee recommend that the Council redact and resubmit last year's letter to Governor Locke. Dave Saunders seconded the motion.**

John Fulginiti asked if a physical copy of that letter was before the Council. Dave Baker answered no. Stan questioned if simple resubmission of the same letter is the best strategy. He said doing so may appear to be admitting defeat. Dave Baker noted there will be many new legislators this session. He said sending the same letter without adding more detail reaffirms the Council's consensus of the codes named in HB 1555.

Bill Misocky recalled that last year's letter had some problems and was incomplete when it left the Council. One specific problem is that it includes the International Residential Code (IRC), that the Council never reviewed and compared to other codes. In addition other codes are now available, such as the NFPA 5000 Building Code, that should be reviewed. Bill said a letter to the Governor is presently premature.

Dave Saunders noted that additional new codes will emerge later this year. He said initial timing indicated a joint emergence, but now NFPA is publishing their code earlier than planned. Dave said the appropriate review time is next spring when all new code editions are available. However the Governor requests a code recommendation this year. That represents the "rock and hard place" between which the Council sits. Dave said the codes need to be reviewed as a contemporaneous group rather than in isolation.

Bill said he questions the urgency of doing something now. He said if new codes will be available in spring 2003, perhaps the Council should wait to perform code reviews then. Bill said he's heard comments but seen nothing concrete about federal funding, FEMA and insurance cost impacts.

**The question was called for. Motion #1, receiving 2 aye and 3 nay, failed for lack of majority vote.**

Chris said her preference is to considerably shorten the letter, to one-sided, one page. She wants it to begin with the rationale for naming codes, to clearly state that the Council completed its job, and that if the bill is truly important to the Governor that his office should place more emphasis on the 2003 legislative session.

## **Motion #2**

**Dave Baker moved that the Legislative Committee recommend Council adoption of a condensed letter to Governor Locke. Staff will propose a one-sided, one page letter, with a lead-in to the three bulleted points of last year's letter, and stating support of the codes proposed in HB 1555. The draft letter will be circulated to Council members for their approval before submission. Dave Saunders seconded the motion. Tim added that the letter should conclude with the statement, "Without an updated code and process the Council cannot effectively fulfill its mission." It was agreed that is also part of the motion.**

Stan noted that the draft letter discusses reviewing new codes. He asked if that means review as normally done by the Council or a special review. Tim answered that under

current rules that would be normal review. Stan questioned whether reference to such review is important in a letter to the Governor. Bill asked what specifically would be eliminated to condense the letter down to one page. Chris said that staff will draft a letter and distribute it to Council members by E-mail for their approval/disapproval. Bill noted that one of the bullets discusses insurance ratings and disaster relief. He asked if the Council has backup data to ensure the accuracy of those statements. Tim said public testimony was submitted on this issue. Dave Saunders paraphrased a letter received by Yakima County from the Washington Survey and Rating Bureau stating that Yakima County was given a new rate of 7 instead of the previous 4 rating specifically because Washington State has failed to adopt the latest codes. Tim added, from his work on the Terrorism Committee, that the Federal Emergency Management Agency (FEMA) has indicated they look at building code statutes when evaluating disaster relief funding.

Dave Baker said he thinks it's important for the letter to include reasons why codes should be named and why the Council chose the specific codes outlined in HB 1555. He would eliminate political comments. He recalled prior discussion about amendments to "clean up" the legislation at the Council rather than at the legislative level. Chris noted there is plenty of time for conflict resolution. Kraig Stevenson suggested, if the Council's intent is to propose the same codes as last year, to specifically name the IRC in the letter. Larry Andrews encouraged the Council to compromise with HB 1555's opposition. Rick Breezee suggested the Council review all codes, including the NFPA 5000. Dan Sexton, actively involved in negotiations last session, recommended against the Council simply repeating what didn't work last year.

John Fulginiti asked if the letter can be addressed to appropriate legislators in addition to Governor Locke. Chris agreed that it can be submitted to both.

**The question was called for. Motion #2 was adopted, 3 aye, 1 nay and 1 abstention.**

### **Increasing SBCC Fee**

Tim said the Council's budget will be discussed at the later Council meeting. Thus the fee bill was deferred until then.

### **STAFF REPORT**

Deferred to Council meeting.

Lacking further business, the meeting was adjourned by Chris at 2:02 p.m.